



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,001	01/25/2002	Amy Swift	1DATA.049A	3494
20995 7590 07/30/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER OYEBISI, OJO O	
			ART UNIT 3692	PAPER NUMBER
			NOTIFICATION DATE 07/30/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

10/057,001

Applicant(s)

SWIFT ET AL.

Examiner

OJO O. OYEBISI

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-27 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-27, 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-27, and 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites "determining if the second account number meets a first criteria which thereby indicates the second account number is potentially a correct version of the first account number." There is no need to determine if the second account number meets a first criteria, since the second account number is the number associated with the cleared check, the second account number is certainly error free, and is potentially a correct version of the first account number. Thus, the limitation "determining if the second account number meets a first criteria.....," serves no function. Please see claims 15 and 32 for similar deficiencies outlined supra. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3692

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-27, and 32-34 rejected under 35 U.S.C. 102(e) as being anticipated by Page (US PAT: 6,464,134).

Re claims 12-16, 22-24. Page discloses a method of processing a check transaction, the method comprising: receiving an indication that a first check transaction from a first payor failed to clear at least in part because a first account number associated with the first check is erroneous (i.e., generate a non-verification signal, see col.4 lines 55-65); locating a separate identifier for the first payor; locating a first previously cleared check transaction associated with the separate identifier; reading a second account number (i.e., second set of data, see col.4 lines 35-50, also see the abstract) the second account number associated with the first previously cleared check transaction; comparing at least the first account number (i.e., a first set of data, see col.7 lines 30-35) with at least the second account number (see col.7 lines 28-40); and determining if the second account number meets a first criteria (i.e., positive comparison, see col.1 lines 5-18) which thereby indicates the second account number is potentially a correct version of the first account number (i.e., Preferably, the payee data includes at least the name or other identification of the payee and/or the dollar amount or value of the check. Along these lines, the issuing terminal 10 preferably includes a printer or like printing facility 22, so as to produce any desired hard copy records of any data entered into and stored in the memory facilities of the issuing terminal 10 relating to the one or more

Art Unit: 3692

checks being processed. The processing center 12, which may be integral with or remote from the issuing and/or cashing terminals 10 and 14, is preferably computer oriented and includes a central processing unit or like facilities 24 having the ability to receive data from a plurality of different sources, at least temporarily store such data, and readily access such data, specifically but not exclusively for purposes of comparing various sets of data, at least in terms of corresponding content. More specifically, and as explained in greater detail with reference to FIG. 2, a first set of data relating to a particular bank check issued by the issuing terminal 10 and communicated and stored in the processing center 12, would be compared, as to its content, with a second set of data, received from the cashing terminal 14, and relating to the same bank check, when such bank check is presented for redemption at the site of the cashing terminal 14. In addition to the above, the processing center 12 should also be capable of communication between the issuing terminal 10 as at 28 and the cashing terminal 14 as at 30, see col.7 lines 15-40) (see the abstract, also see the summary of the invention).

Re claim 17. Page further discloses the method, further comprising submitting the first check transaction for clearance using the second account number (i.e., second set of data, see col.7 lines 30-40).

Re claims 18, 19. Page further discloses the method, wherein the separate identifier is a driver license number (i.e., see col.1 lines 35-40).

Re claims 20, 21. Page further discloses the method, wherein the separate

Art Unit: 3692

identifier is a social security number (i.e., page discloses individualized payee data which inherently encompasses social security number or any individualized data for that matter, see col.3 lines 34-43)

Re claim 25. Page further discloses the method, wherein the first account number was read magnetically and converted to characters (i.e., scanner, see col.6 lines 55-65)

Re claim 26. Page further discloses the method, wherein the first account number was manually entered into a form (see col.4 lines 25-40).

Re claim 27. Page further discloses the method, wherein the first account number was read optically and converted to characters (see col.6 lines 55-65).

Re claims 32, 33-34. Page further discloses an apparatus configured to process check data, the apparatus comprising: a first instruction stored in computer readable memory, the first instruction configured to read an indication that a first check from a first payor failed to clear because MICR data associated with first check is incorrect (i.e., non-verification see col.1 lines 5-16); a second instruction stored in computer readable memory, the second instruction configured to read a personal identifier associated with the first payor, wherein the personal identifier was provided in association with the first check (i.e., individualized payee data, see col.3 lines 34-43); a third instruction stored in computer readable memory, the third instruction configured to locate MICR data associated with a previously processed check associated with the personal identifier; a fourth instruction stored in computer readable memory, the fourth instruction configured to compare at least a portion of the located

Art Unit: 3692

MICR data with at least a portion of the MICR data associated with the first check (see col.1 lines 1-20); and a fifth instruction stored in computer readable memory, the fifth instruction configured to determine if the portion of the located MICR data is at least a potentially correct version of the portion of the MICR data associated with the first check based at least in part on the comparison (i.e., Preferably, the payee data includes at least the name or other identification of the payee and/or the dollar amount or value of the check. Along these lines, the issuing terminal 10 preferably includes a printer or like printing facility 22, so as to produce any desired hard copy records of any data entered into and stored in the memory facilities of the issuing terminal 10 relating to the one or more checks being processed. The processing center 12, which may be integral with or remote from the issuing and/or cashing terminals 10 and 14, is preferably computer oriented and includes a central processing unit or like facilities 24 having the ability to receive data from a plurality of different sources, at least temporarily store such data, and readily access such data, specifically but not exclusively for purposes of comparing various sets of data, at least in terms of corresponding content. More specifically, and as explained in greater detail with reference to FIG. 2, a first set of data relating to a particular bank check issued by the issuing terminal 10 and communicated and stored in the processing center 12, would be compared, as to its content, with a second set of data, received from the cashing terminal 14, and relating to the same bank check, when such bank check is presented for redemption at the site of the cashing terminal 14. In addition to the above, the processing center 12 should also be capable of

Art Unit: 3692

communication between the issuing terminal 10 as at 28 and the cashing terminal 14 as at 30, see col.7 lines 15-40) (see the abstract, also see the summary of the invention).

Response to Arguments

5. Applicant's arguments filed 05/08/07 have been fully considered but they are not persuasive. The applicant argues in substance that Page neither discloses locating a first previously cleared transaction nor reading a second account number. Contrary to the applicant's disclosure, Page discloses a method of transmitting information about a check e.g., account data, amount and payee information (i.e., first set of data) to a processing center at the time when the check is issued. Later, when the check is presented (e.g., to a bank) for redemption, the account data, check amount and payee information (second set of data) are compared with the corresponding information that was transmitted to the processing center when the check was issued (see col.4 lines 32-40). Thus a positive comparison between the first set of data previously supplied to the processing center and the second set of data on the check that is currently presented for redemption would result in the check being cleared and cashed. However, the reverse is true otherwise. The examiner maintains that a first previously cleared check transaction, as disclosed by the applicant, is located to capture the account data enclosed therein and since this account data is associated with a cleared check, certainly it is error free and is potentially the correct account number. Thus it is the account data on the previously cleared check (error free account data) that is compared to the account data on the check that is currently presented for redemption. Similarly, the check account information (i.e., account data, amount and payee information),

Art Unit: 3692

taught by Page, transmitted to a processing center upon issued of the said check is certainly the error free account information and is potentially the correct account data. Thus it is the account information transmitted to a processing center upon issued of a check that is compared to the account data (second set of data) on the check that is currently presented for redemption. Thus the check account information (i.e., account data, amount and payee information), taught by Page, transmitted to a processing center upon issued of a check is akin to the account number/data on a first previously cleared transaction check.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3692

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD E. CHILCOT can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


FRANTZY POINVIL
PRIMARY EXAMINER
Art 3692